



WISCONSIN DEPARTMENT OF CHILDREN AND FAMILIES

#### Preventing Sex Trafficking and Strengthening Families Act

Presenters: Jonelle Brom, Lindsay Wood, and Bob Kiel







## Agenda

- Overview of the Preventing Sex Trafficking and Strengthening Families Act
- Overview of Pending Legislation
- eWiSACWIS Updates



PUBLIC LAW 113-183-SEPT. 29, 2014

128 STAT. 1919

Sept. 29, 2014

[H.R. 4980]

Preventing Sex Trafficking and

Strengthening

42 USC 1305

Public Law 113–183 113th Congress

#### An Act

To prevent and address sex trafficking of children in foster care, to extend and improve adoption incentives, and to improve international child support recovery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Preventing Sex Trafficking and Strengthening Families Act".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title. Sec. 2. Table of contents. Sec. 3. References.

THE DECYPROTEIN

TITLE I—PROTECTING CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING

Subtitle A—Identifying and Protecting Children and Youth at Risk of Sex Trafficking

Sec. 101. Identifying, documenting, and determining services for children and youth at risk of sex trafficking.

Sec. 102. Reporting instances of sex trafficking.
Sec. 103. Including sex trafficking data in the Adoption and Foster Care Analysis

and Reporting System.

Sec. 104. Locating and responding to children who run away from foster care.

Sec. 105. Increasing information on children in foster care to prevent sex traf-

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Subtitle B—Improving Opportunities for Children in Foster Care and Supporting Permanency

Sec. 111. Supporting normalcy for children in foster care.

Sec. 112. Improving another planned permanent living arrangement as a permanency option.
Sec. 113. Empowering foster children age 14 and older in the development of their

own case plan and transition planning for a successful adulthood. Sec. 114. Ensuring foster children have a birth certificate, Social Security card,

Sec. 114. Ensuring foster children have a birth certificate, Social Security card, health insurance information, medical records, and a driver's license or equivalent State-issued identification card.

Sec. 115. Information on children in foster care in annual reports using AFCARS data; consultation.

#### Subtitle C-National Advisory Committee

Sec. 121. Establishment of a national advisory committee on the sex trafficking of children and youth in the United States.

TITLE II—IMPROVING ADOPTION INCENTIVES AND EXTENDING FAMILY CONNECTION GRANTS

Subtitle A—Improving Adoption Incentive Payment

Sec. 201. Extension of program through fiscal year 2016.

## Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980): https://www.congress.gov/113/plaws/publ183/PLAW-113publ183.pdf

## Overview of Pending WI Legislation

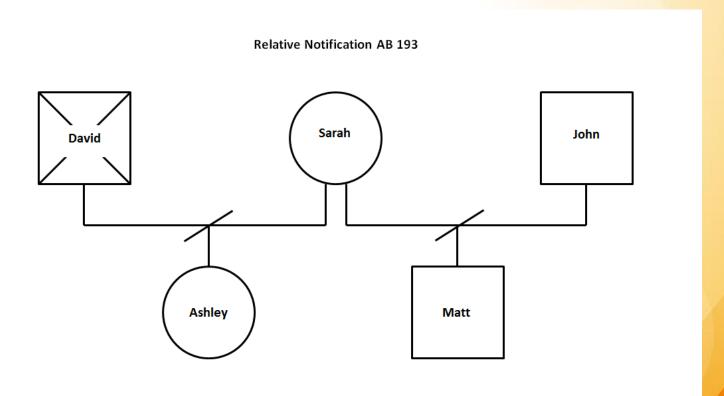
#### **State Legislative Update**

- Assembly Bill 193: Relative Notification
  - Passed State Assembly and State Senate; waiting the Governor's signature.
- Assembly Bill 406: OPPLA, Youth age 14+, Reasonable and Prudent Parenting
- Assembly Bill 407: Successor Guardians
- Assembly Bill 339: "Like Kin" Subsidized Guardians
  - Eligibility for monthly SG payments of a person who develops a familial relationship with a child or the child's family during the child's placement in out-of-home care
  - Expands "like kin" to include foster parents, under certain circumstances which be defined in Administrative Rule.



#### Sex Trafficking Legislation: Relative Notification, AB 193

- Expands the list of individuals required to be notified that a child has been placed in out-of-home care to include a parent of a sibling of the child who has legal custody of that sibling.
- eWiSACWIS Relative Notification Page will be updated to include this individual





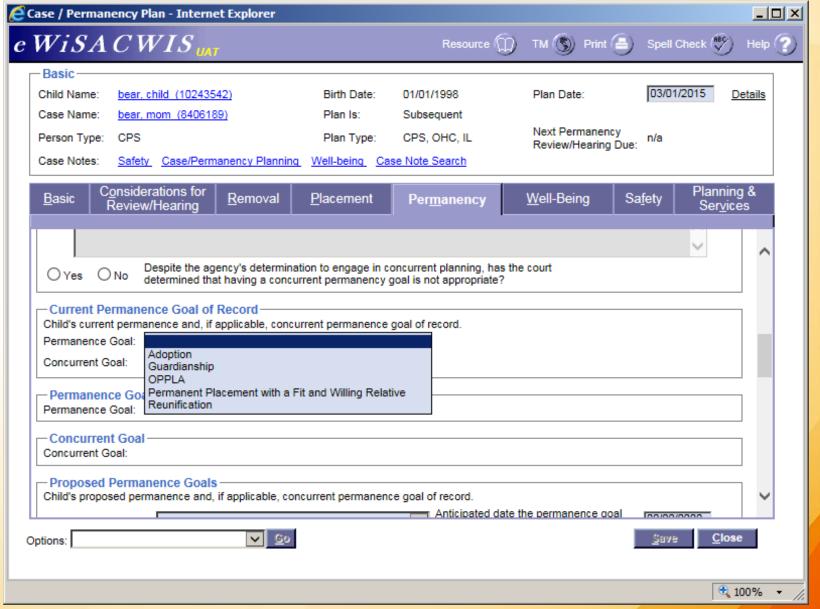
#### Sex Trafficking Legislation: Changes to OPPLA, AB 406

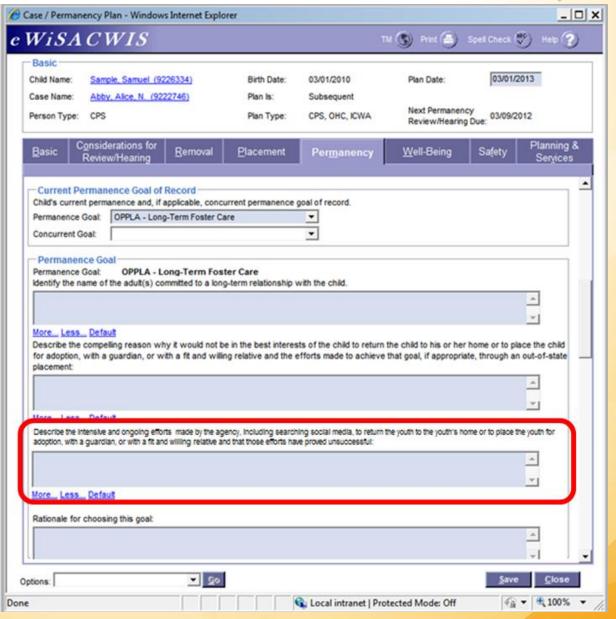
- Restricts the use of OPPLA to children 16 years of age or over
  - Tribes have until September 29, 2017 to come into compliance with this requirement
  - Repeals existing sustaining care contracts for children under 16
    - Long-term foster care/sustaining care are no longer sub options under OPPLA; it will just be OPPLA
    - No new sustaining care contracts for any children
  - Agency must demonstrate: intensive and ongoing efforts, including searching social media, to return the child to the child's home or to place the child for adoption, with a guardian, or with a fit and willing relative and that those efforts have proved unsuccessful.
    - Consider the options available through DCF Info Memo 2015-06: Family Find and Engagement Initiative, including Seneca Internet Searches

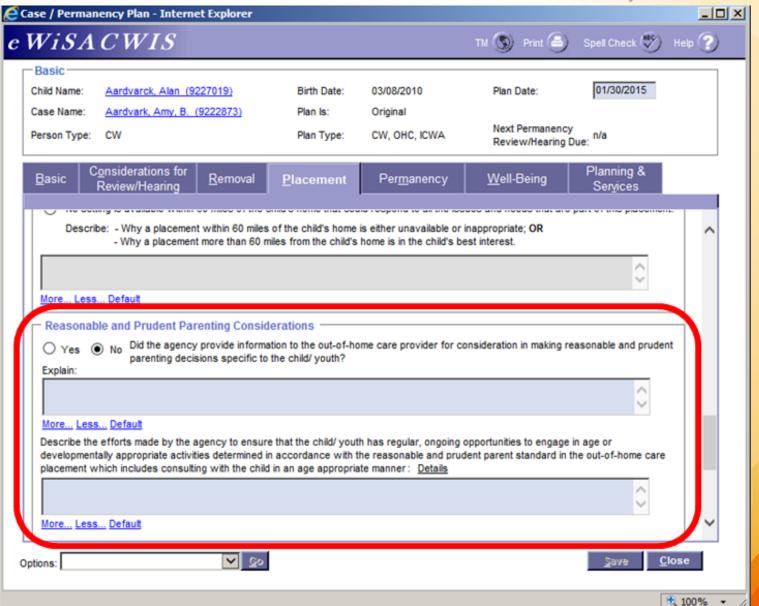


- OPPLA will be limited to children 16+ or those who have a documented ICWA status
  - Note: Limitations due to timing of release and timing of legislation. In other words, children under age16 with OPPLA Sustaining Care will be forced to end the sustaining care contract per the eWiSACWIS release. Caseworkers should contact central office at DCF to correct this and continue the sustaining care contract until the legislation passes, at which time the sustaining care contract may not be continued for any child under age 16.
- New questions on hearing/review around OPPLA re: intensive efforts
- New questions on perm plan around "reasonable and prudent parent standard"









#### **Workload Management:**

As part of this change, the Permanency Plan Due, Perm Plan Review, and Perm Plan Hearing tickler logic is being modified to assign the ticklers to the Primary worker of the case. This change will be effective for ticklers created in the 'new' release. Existing ticklers will keep current assignments.

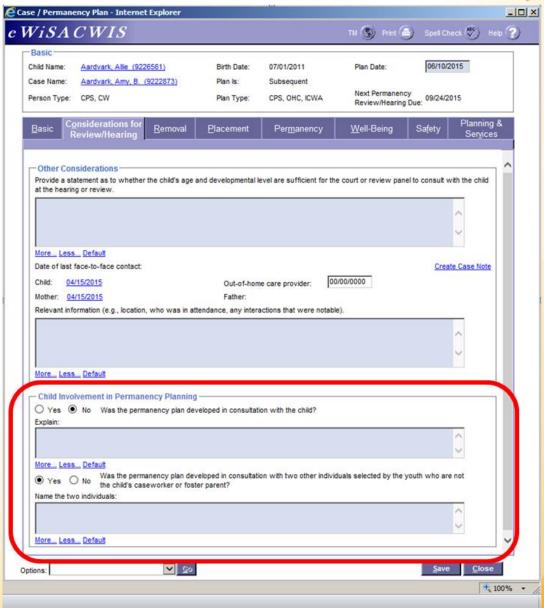


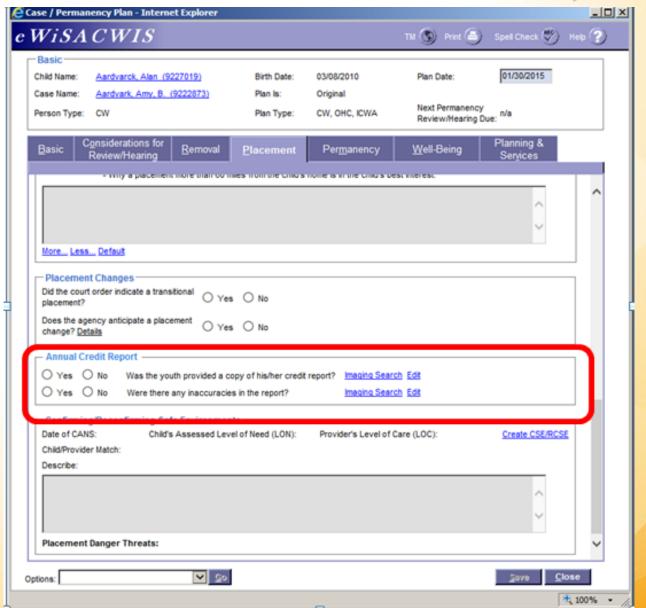
#### ACF Sex Trafficking Legislation: Youth 14+, AB 406

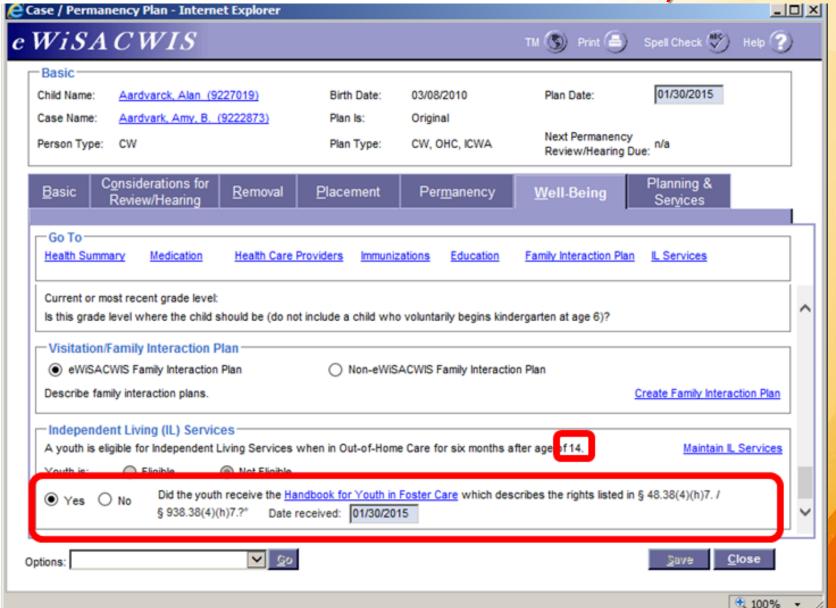
- Youth must be provided notice of the below information, so modifications have been made to the Handbook for Youth in Foster Care
- IL planning will be required to begin at age 14 (formerly age 15).
- Permanency plan prepared in consultation with the youth and with two individuals selected by the youth who are not the youth's foster parent(s) or caseworker.
  - The agency may reject a person selected by the youth
- Youth ages 16 and older: must be provided with a copy of their credit report annually (DCF will provide this for the caseworker) and the agency will need to remedy any errors with the youth.
- When a youth ages out they must be provided with:
  - Certified copy of their birth certificate
  - Social security card
  - Information on maintaining health care cover
  - Either a driver's license or a state ID card
  - Copy of their health care records.

- New question related to child's involvement in creating the permanency plan
- New question related to developing the permanency plan in consultation with two adults
- Independent Living eligibility will begin at 14 years old and six months in care
- New question and date field for the date the youth was given the Handbook for Youth in Foster Care
- Adding an indicator when a credit report is run for a child.







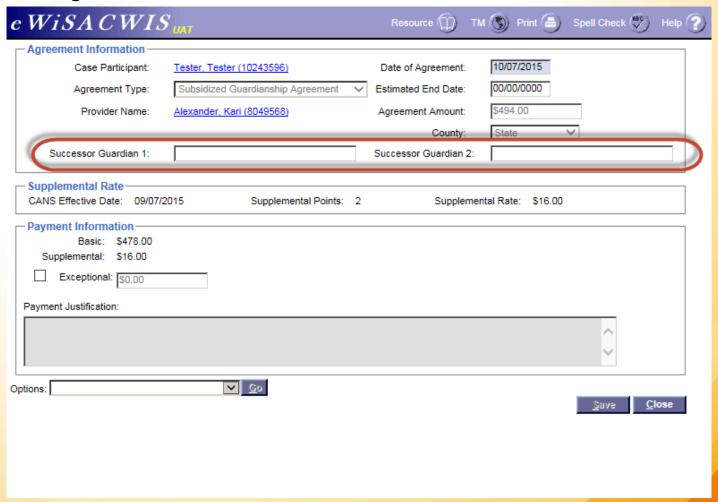


## ACF Sex Trafficking Legislation: Subsidized Guardianship, AB 407

- Subsidized Guardian can name an individual/s in the agreement/amended
  agreement to be considered as a successor subsidized guardian care for the child
  in the event of the death or incapacitation of the guardian/s.
- Successor Guardian(s) named in the agreement will be considered as a
  placement option for the child in the event of the death or incapacitation of the
  Subsidized Guardian.
- Required to pass background checks and a physical home check, as well as demonstrate commitment to providing permanence for the child.
- Not required to become a licensed foster parent or have placement of the child for six months prior to becoming the guardian, but will be able to receive Subsidized Guardianship payments.



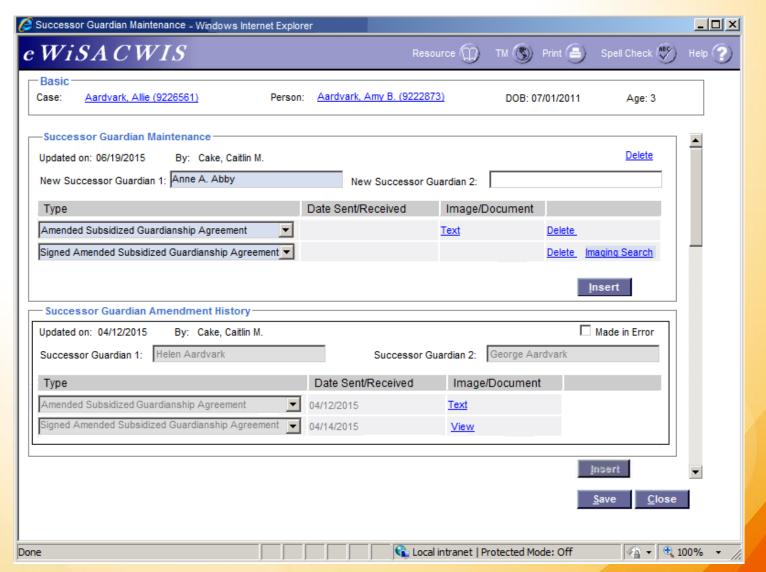
The Subsidized Guardianship Agreement has been updated to identify a successor guardian



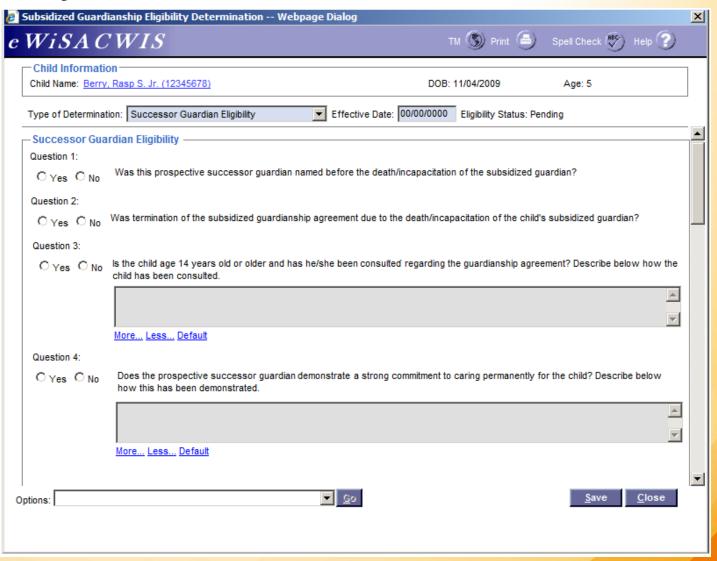
- Changes to SG Agreement to name a successor, as well as the ability to amend an agreement when the successor changes.
- New SG Eligibility Determination Type.
- New type of agreement: Subsidized Guardianship Agreement (Successor).
- New case participant inactivation and case closure reason values.



#### Naming/Changing a Successor(s):



#### **Eligibility:**



#### **Process:**

- In the event of death or incapacitation of a guardian:
  - Child could go directly to a new SG case with successor by using a new case closure process.
  - Child could be returned to out of home care for a time before going to the successor.

# ACF Sex Trafficking Legislation: Missing from OHC

- When a child goes missing from OHC, the agency must notify law enforcement and the National Center for Missing and Exploited Children within 24 hours
  - DCF is creating a portal between eWiSACWIS and NCMEC to automatically notify them
  - Current policy already requires notification of law enforcement within 8 hours
- When a child returns from missing from OHC, the agency must:
  - Determine the primary factors that contributed to their missing episode
  - Assess the child to determine if they were a sex trafficking victim
  - Plan for the prevention of future missing episodes



#### eWiSACWIS Release: June 2016

- Reporting Children Missing from Care to the National Center for Missing and Exploited Children
  - There will be a portal between DCF/eWiSACWIS and NCMEC, which will automatically notify NCMEC when a child's placement status has been changed to missing from OHC
  - The caseworker will be asked a series of questions when making the report to NCMEC, which will aid NCMEC finding the youth
  - NCMEC will assign a team to the case and will be in contact with the agency caseworker
- When a child returns to care, the caseworker will be asked assessment questions related to the child's experience while they were missing from care
  - NCMEC will be notified automatically through the portal that the child has returned to care

- Allows providers to make decisions to permit children in their care to participate in age or developmentally-appropriate activities based on the cognitive, emotional, physical, and behavioral capacities of the child.
- Promote normalcy for children in out-of-home care by allowing them to:
  - Pursue their interests
  - Engage in the same activities as their peers
  - Build skills for their future
- The standard will be applied to decisions by out-of-home care providers related to:
  - Transportation
  - Recreation
  - Extra-curricular activities
  - Employment
  - Peer relationships
  - Personal expression



- Will not supersede:
  - Existing court orders/rulings
  - Decisions related to visitation, therapy, or other related schedules
  - Existing laws applicable to other areas, such as medical and educational statute.
- Consult with the biological parents to take into consideration religious/cultural/tribal beliefs.
- Information to make decisions will be provided in the Info to OHC Providers Part A & B forms when Ch. DCF 37 Admin. Code is modified (which is in the legislative process)
  - Until Ch. DCF 37 Admin. Code is finalized, a separate form will be required at placement
- Providers will not be liable for harm to the child or others as a result of the event and/or
  activity approved by the provider, as long as the provider has acted in accordance with
  the reasonable and prudent parenting standard.



XII. REASONABLE AND PRUDENT PARENTING CONSIDERATIONS

 Screenshot of Info to OHC Providers Part A: Reasonable and Prudent Parenting Considerations – Documentation

"Reasonable and prudent parent standard" means a standard for an out-of-home care provider to use in making decisions concerning a

child's participation in age or developmentally appropriate extracurricular, enrichment, cu careful and sensible parental decisions that maintain the health, safety, best interests, ar while at the same time encouraging the emotional and developmental growth of the child	nd cultural, religious, and tribal values of the child
A. Recreational Activities	
This child engages in or would like to participate in the following recreational activities, sports, and / or extra-curricular activities (e.g. birthday parties, movies, volunteering, dances, etc.):	Specify:
For this child consider the restrictiveness of the placement and whether he / she has the necessary training and safety equipment to safely participate in the activity under consideration.	Specify:
For this child consider their age and the following cognitive, emotional, physical, and behavioral capacities when making prudent parenting decisions:	Specify:
This child is prohibited from participating in the following recreational activities (i.e. prohibited due to their age, cognitive, emotional, physical, and behavioral capacities, court orders, laws, etc.):	Specify:
B. Transportation	
This child engages in or would like to participate in the following activities related to transportation (e.g. obtaining their driver's license, driving / carpooling with peers and other adults, etc.):	Specify:

 Screenshot of Info to OHC Providers Part A: Reasonable and Prudent Parenting Considerations – Documentation

For this child consider the restrictiveness of the placement and whether he / she has the necessary training and safety equipment to safely participate in the activity under consideration.	Specify:	
For this child consider their age and the following cognitive, emotional, physical, and behavioral capacities when making prudent parenting decisions:	Specify:	
This child is prohibited from participating in the following activities related to transportation (i.e. prohibited due to their age, cognitive, emotional, physical, and behavioral capacities, court orders, laws, etc.):	Specify:	
C. Employment		
This child engages in or would like to participate in the following activities related to employment (e.g. informal employment, babysitting, lawn mowing, formal employment, banking and bank accounts, etc.):	Specify:	
For this child consider the restrictiveness of the placement and whether he / she has the necessary training and safety equipment to safely participate in the activity under consideration.	Specify:	
For this child consider their age and the following cognitive, emotional, physical, and behavioral capacities when making prudent parenting decisions:	Specify:	
This child is prohibited from participating in the following activities related to employment (i.e. prohibited due to their age, cognitive, emotional, physical, and behavioral capacities, court orders, laws, etc.):	Specify:	
D. Peer Relationships		
This child engages in or would like to participate in the following activities related to peer relationships (e.g. visiting friends, having friends over, overnight stays with friends, dating, etc.):	Specify:	
For this child consider the restrictiveness of the placement and whether he / she has the necessary training and safety equipment to safely participate in the activity under consideration.	Specify:	
For this child consider their age and the following cognitive, emotional, physical, and behavioral capacities when making prudent parenting decisions:	Specify:	
This child is prohibited from participating in the following activities related to peer relationships (i.e. prohibited due to their age, cognitive, emotional, physical, and behavioral capacities, court orders, laws, etc.):	Specify:	

 Screenshot of Info to OHC Providers Part A: Reasonable and Prudent Parenting Considerations – Documentation

E. Personal Expression		
This child engages in or would like to participate in the following activities related to personal expression (e.g. haircuts, hair dying, clothing choices, explicit material, R-rated movies, games or music, etc.):	Specify:	
For this child consider the restrictiveness of the placement and whether he / she has the necessary training and safety equipment to safely participate in the activity under consideration.	Specify:	
For this child consider their age and the following cognitive, emotional, physical, and behavioral capacities when making prudent parenting decisions:	Specify:	
This child is prohibited from participating in the following activities related to personal expression (i.e. prohibited due to their age, cognitive, emotional, physical, and behavioral capacities, court orders, laws, etc.):	Specify:	
F. Other		
Other activities the child engages in or would like to engage in:	Specify:	
For this child consider the restrictiveness of the placement and whether he / she has the necessary training and safety equipment to safely participate in the activity under consideration.	Specify:	
For this child consider their age and the following cognitive, emotional, physical, and behavioral capacities when making prudent parenting decisions:	Specify:	
This child is prohibited from participating in the following activities (i.e. prohibited due to their age, cognitive, emotional, physical, and behavioral capacities, court orders, laws, etc.):	Specify:	
G. Cultural, Religious, and Tribal Considerations		
For this child take into account the following cultural, religious, and tribal considerations when making prudent parenting decisions:	Specify:	

#### Training Opportunity:

When: December 16th, 2015, 10am-12pm

Where: The Coalition for Children and Families

6682 West Greenfield Avenue Suite 310, Milwaukee WI, 53214

Register: https://ccyfprudentparenting.eventbrite.com

Will be available in webinar format and recorded for future viewing. Please contact LoriAnn D'Acquisto (<u>LDAcquisto@coalitionforcyf.org</u>) at The Coalition for access to the recorded webinar.

## **Questions/Comments**





#### **Contact Information**

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